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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,612	09/08/2000	Lester D. Nelson	FXPL-01027US0 MCF/KJD	3385
23910	7590	05/11/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,612

Applicant(s)

NELSON ET AL.

Examiner

REXFORD N. BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rexford Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 5-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotte et al. (US Pat# 6,408,063) in view of Yamashita (US Pat# 6,470,196) or Bremer (US Pat# 6,018,671).

Regarding claim 1, Slotte teaches in (see figs., col. 3 lines 19-25 and col. 10 line 28-col. 11), a telephone apparatus comprising a plurality of mechanical devices in (see col. 10 lines 50-53) or a single manual selector, a processor, a memory to store messages wherein the content of the message is subject to vary as well as its limit and a user can be alert to these messages during call setup, in the middle of a call and at the end of a call. According to Slotte, one of the messages given to a caller could be to hold on or in general a hold message.

It's notoriously well known in the art to put a call on hold during the call reception or during the middle of a call and then deactivating the quiet mode to talk to a caller. For the sake of argument, Slotte fails to teach a quiet mode deactivation key.

Bremer teaches a silent call accept mode wherein a quiet mode key can be activated for a call to transmit a message to the caller to alert him or her as to the status of the call in (see col. 1 lines 55-col. 2 line 5, cols. 3-5). Furthermore, according to

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Bremer, one can deactivate a quiet mode and then enter a call mode by using two different mechanical devices one including a quiet mode key and the latter using a control key in (see col. 3 line 29-39).

Yamashita teaches a portable communication apparatus wherein one can move from a quite mode to a call mode by using two different mechanical devices in (see figs. and col. 7 lines 51-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita or Brewmer into that of Slotte thus making it possible to put a call in a quiet mode in a meeting in (see col. 10 line 29-30 of Slotte), putting him on hold and to convey any important desired messages by stepping out to talk the call in (see col. 10 line 57-60 of Slotte).

Regarding claim 3, The combination teaches the claimed subject matter by teaching a first button and an audio generator to convey in (see figs. of Slotte and Bremer).

Regarding claims 3, 5 and 6, The examiner takes official notice that it's well known to have a headset with a mobile phone and a telephone would inherently have a speaker too.

Regarding claim 7, Slotte teaches in (see figs., col. 3 lines 19-25 and col. 10 line 28-col. 11), a telephone apparatus comprising a plurality of mechanical devices in (see col. 10 lines 50-53) or a single manual selector, a processor, a memory to store messages wherein the content of the message is subject to vary as well as its limit and a user can be alert to these messages during call setup, in the middle of a call and at

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the end of a call. According to Slotte, one of the messages given to a caller could be to hold on or in general a hold message.

It's notoriously well known in the art to put a call on hold during the call reception or during the middle of a call and then deactivating the quiet mode to talk to a caller. For the sake of argument, Slotte fails to teach a quiet mode deactivation key.

Bremer teaches a silent call accept mode wherein a quiet mode key can be activated for a call to transmit a message to the caller to alert him or her as to the status of the call in (see col. 1 lines 55-col. 2 line 5, cols. 3-5). Furthermore, according to Bremer, one can deactivate a quiet mode and then enter a call mode by using two different mechanical devices one including a quiet mode key and the latter using a control key in (see col. 3 line 29-39).

Yamashita teaches a portable communication apparatus wherein one can move from a quiet mode to a call mode by using two different mechanical devices in (see figs. and col. 7 lines 51-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita or Bremer into that of Slotte thus making it possible to put a call in a quiet mode in a meeting in (see col. 10 line 29-30 of Slotte), putting him on hold and to convey any important desired messages by stepping out to talk the call in (see col. 10 line 57-60 of Slotte).

Regarding claim 12, The combination including Bremer teaches a telephone system wherein input means could comprise of a touch tone screen, function keys and

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so forth as means of activating an outgoing message to be relayed to a remote party in (see col. 2 lines 15-23, col. 1 lines 60-67, cols. 3-4).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotte et al. (US Pat# 6,408,063) in view of (Yamashita (US Pat# 6,470,196) or Bremer (US Pat# 6,018,671) and further in view of Levy et al. (US Pat# 4,577,067) or Saito (US Pat# 6,526,263).

Regarding claim 4, The combination fails to teach coupling a processor to an impedance matching circuit as taught by Saito who teaches a radio telephone with an impedance matching circuit in conjunction with a control circuit (see figs.).

Levy teaches a telephone circuit with an impedance matching means in (see col. 5 lines 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the teaching of either secondary reference into that of the combination thus making it possible to reduce noise, enhance sound intelligibility and to reduce transmission loss.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotte et al. (US Pat# 6,408,063) in view of Yamashita (US Pat# 6,470,196) or Bremer (US Pat# 6,018,671) and further in view of Zahavi et al. (US Pat 6,577,859, cited by applicant).

Regarding claims 9-11, The combination teaches that the content of the message to be transmitted to callers could vary and would not be limited to a specific content (see Slotte @ col. 10).

But for the sake of argument, Zahavi teaches a telephone system wherein a mechanical device can be activated, storing conversation element representing an audible utterance and generating an audible utterance in response to a user interaction with the mechanical devices in (see col. 5, col. 2 lines 45-67, fig. 2). Furthermore, Zahavi teaches that there could be a functional key to activate a farewell message such as goodbye or to tell a user to speak in (see cols. 5-6 of Zahavi). Furthermore, Zahavi teaches call back rescheduling in (see col. 6 lines 11-19 of Zahavi).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Zahavi into that of the combination thus making it possible to alert a user of call management status, plans and to relay to a user any desired message(s).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotte et al. (US Pat# 6,408,063) in view of Zahavi et al. (US Pat# 6,577,859) and further in view of Yamashita (US Pat# 6,470,196) or Bremer (US Pat# 6,018,671).

Regarding claim 1, Slotte teaches in (see figs., col. 3 lines 19-25 and col. 10 line 28-col. 11), a telephone apparatus comprising a plurality of mechanical devices in (see col. 10 lines 50-53) or a single manual selector, a processor, a memory to store messages wherein the content of the message is subject to vary as well as its limit and

a user can be alert to these messages during call setup, in the middle of a call and at the end of a call.

Even though, Slotte teaches that the content of messages can take any form, he fails to teach the claimed subject matter of eliciting responses.

Zahavi teaches a telephone system wherein a mechanical device can be activated, storing conversation element representing an audible utterance and generating an audible utterance in response to a user interaction with the mechanical devices in (see col. 5, col. 2 lines 45-67, fig. 2). Furthermore, Zahavi teaches that there could be a functional key to activate a farewell message such as goodbye or to tell a user to speak in (see cols. 5-6 of Zahavi). Furthermore, Zahavi teaches call back rescheduling in (see col. 6 lines 11-19 of Zahavi).

Note that Zahavi renders obvious the subject matter of being to prompt and answer questions

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Zahavi into that of Slotte thus making it possible in general to store any desired messages in conjunction with functional keys as means of interacting with caller in situations where one might not be able to complete a call.

According to Slotte, one of the messages given to a caller could be to hold on or in general a hold message. It's notoriously well known in the art to put a call on hold during the call reception or during the middle of a call and then deactivating the quite mode to talk to a caller.

For the sake of argument, The combination including Slotte fails to teach a quite mode deactivation key.

Bremer teaches a silent call accept mode wherein a quiet mode key can be activated for a call to transmit a message to the caller to alert him or her as to the status of the call in (see col. 1 lines 55-col. 2 line 5, cols. 3-5). Furthermore, according to Bremer, one can deactivate a quiet mode and then enter a call mode by using two different mechanical devices one including a quiet mode key and the latter using a control key in (see col. 3 line 29-39).

Yamashita teaches a portable communication apparatus wherein one can move from a quite mode to a call mode by using two different mechanical devices in (see figs. and col. 7 lines 51-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita or Bremer into that of Slotte thus making it possible to put a call in a quiet mode in a meeting in (see col. 10 line 29-30 of Slotte), putting him on hold and to convey any important desired messages by stepping out to talk the call in (see col. 10 line 57-60 of Slotte).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE, 05/03/05


REXFORD BARNIE
PRIMARY EXAMINER